

BEFORE THE BOARD OF OIL GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
IN AND FOR THE STATE OF UTAH

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IN THE MATTER OF THE PETITION	:	
FILED BY THE DIVISION OF OIL	:	
GAS AND MINING FOR AN ORDER	:	REQUEST FOR AGENCY ACTION
REQUIRING IMMEDIATE POSTING	:	
OF INTERIM RECLAMATION SURETY,	:	DOCKET NO. 94-017
AND SUBMITTING A NOTICE OF	:	
INTENTION TO COMMENCE LARGE	:	CAUSE NO. S/049/011
MINING OPERATIONS, FROM LARSON	:	
LIMESTONE COMPANY, FARRELL	:	
LARSON AND GERALD LARSON,	:	
OPERATORS, LARSON LIMESTONE	:	
QUARRY, UTAH COUNTY, UTAH.	:	

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The Division of Oil, Gas and Mining, "Division", hereby petitions the Board of Oil, Gas, and Mining, "Board", for an order directing the operator of the Larson Limestone Quarry to immediately post interim reclamation surety and submit a Notice of Intention to Commence Large Mining Operations or cease operations and begin reclamation. The site is located on the west shore of Utah Lake near Pelican Point in Utah County, and surface disturbances occur in portions of Section 31, Township 6 South, Range 1 West. The operator of record is Larson Limestone Company, "LLC". Company representatives are Farrell and Gerald Larson of Lehi, Utah.

JURISDICTION

1. This action is brought by the Division pursuant to Utah Code Annotated §40-8-7 (1953, as amended).
2. Jurisdiction over this matter is conferred upon the Board by Utah Code Annotated §40-8-6 (1953, as amended).

CHRONOLOGICAL
STATEMENT OF FACTS

3. On July 25, 1990, Division staff inspected the Larson Limestone Quarry. The site appeared to exceed five acres; however, a more detailed inspection was deemed necessary to determine the disturbed area.

4. On April 15, 1992, Division staff inspected the Larson Limestone Quarry. The amount of surface disturbance at the site was visually estimated to exceed five acres.

5. On April 20, 1992, Division staff met with LLC and members of the Utah County Commission. As a result of that meeting, LLC agreed to provide the Division with a map of the mine site in order to determine the amount of mining disturbance. The Division agreed to perform a subsequent site inspection to determine if the operations have disturbed more than five acres.

6. On May 14, 1992, Division staff performed an inspection of the Larson Limestone Quarry. LLC was informed of the features which would be considered part of the mine disturbance. LLC presented a map of the area which had been prepared as part of the geologic mapping performed some time ago. The map contained a scale, but was not dated.

7. On May 26, 1992, the Division received a letter and a copy of the map presented from LLC at the last inspection. The letter stated that the disturbance for the area of activity was 3.5 acres.

8. On June 16, 1992, the Division sent a letter to LLC which stated that: 1) the estimate of disturbed area provided by LLC did not include a number of features and facilities that the operator has been using as part of the mining operation; 2) the Division did not agree with the interpretation that all roads at the site have a post mine land use; 3) the map provided by LLC did not depict the current operations; and 4) the Division requested LLC to purchase, label, and submit an aerial photo of the mine site to resolve the disagreement regarding the disturbed area acreage.

9. On June 23, 1992, the Division received a letter from LLC which disputed the Division's June 16, 1992 letter. LLC refused to purchase an aerial map to assist the Division in determining the current amount of disturbed area.

10. On December 29, 1993, the Division sent a letter to LLC describing the outstanding permitting concerns associated with the Larson Limestone Quarry operations. The outstanding concerns were: 1) what is the current disturbed area for the mine operation? and 2) which roads have a verified post mine use? The Division informed LLC of a site inspection in the near future to measure the disturbed areas. The Division also requested an annual report for the year 1992.

11. On March 17, 1994, Division staff performed an inspection of the Larson Limestone Quarry site and observed that LLC was preparing/grading an area for a new maintenance building to be built on site. A representative from Utah County was also present for part of the inspection. Utah County has requested that LLC acquire a business license, post a reclamation surety

with the county or the Division, and secure a construction permit from the county before constructing the new building.

12. On March 28, 1994, the Division sent a certified Notice of Non-Compliance letter to LLC. Based upon the Division's March 17, 1994 measurements, the current amount of surface disturbance at the site is approximately 20.5 acres. The Notice of Non-Compliance requires LLC to: 1) submit a draft of a Notice of Intention to Commence Large Mining Operations no later than May 16, 1994, for tentative Division approval by August 30, 1994; and 2) submit a \$50,000 interim reclamation surety to the Division, no later than the close of business April 29, 1994.

13. On March 31, 1994, this certified notice was delivered to LLC.

14. The deadlines for compliance have passed. LLC has failed to take appropriate measures to remedy the interim surety condition of the Notice of Non-Compliance or submit a Notice of Intent. As of 5:00 p.m. May 16, 1994, the Division has not received any formal written (or verbal) communication from LLC requesting a time extension or offering an explanation for failure to comply with the Division notice or statute.

15. The operator has failed to comply with the requirements of the Division's March 28, 1994 Notice of Non-Compliance.

16. Failure to comply with the Statute and the Division's Notice of Non-Compliance necessitates this Board Action.

COUNT I

17. The Division incorporates by reference paragraphs 1 through 16 as stated above.

18. The Operator, LLC, is in violation of §40-8-14(1), Utah Code Annotated, having failed to post an approved reclamation surety and file a notice of intent.

PRAYER FOR RELIEF

The Division requests that the Board enter the following order:

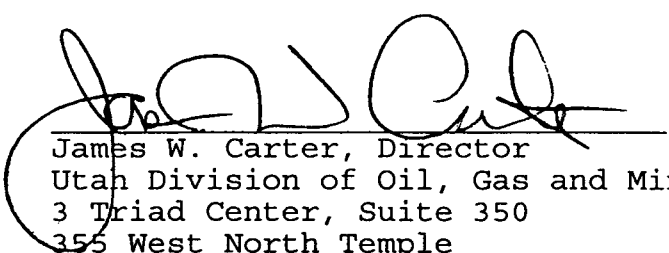
1. Issue a Board Order requiring LLC to immediately post an interim reclamation surety in the amount of \$50,000.

2. Issue a Board Order requiring LLC to immediately cease mining operations and removal of product from the mine site until the interim surety is received by the Division and accepted by the Board.

3. Issue a Board Order requiring LLC to immediately submit a Notice of Intention to Commence Large Mining Operations.

4. Issue a Board Order pursuant to Utah Code Annotated §40-8-9(1)(a), which finds that LLC is in non-compliance and has knowingly and willfully operated the Larson Limestone Quarry operations as a large mining operation, in violation of the Utah Mined Land Reclamation Act, Utah Code Annotated §40-8-1, et seq. (1988, as amended) and the rules promulgated pursuant to statute.

Requested this 19th day of May, 1994.



James W. Carter, Director
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